

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendments To Harmonize and Streamline) WT Docket No. 16-240
Part 20 of the Commission's Rules Concerning)
Requirements for Licensees To Overcome a)
CMRS Presumption)
)

COMMENTS OF NEBRASKA PUBLIC POWER DISTRICT

Nebraska Public Power District ("NPPD"), as a licensee of Part 22 frequencies, supports the concept of additional technical and operational flexibility in the Part 22 Paging and Radiotelephone Service. Specifically, **NPPD supports the Commission's Notice of Proposed Rulemaking to eliminate Sections 20.7 and 20.9 of the Commission's Rules.** Ending the "presumption of commercial radio service" would eliminate unnecessary legal costs, uncertainties, and delays incurred by licensees seeking to use Part 22 frequencies for private internal use.

NPPD also urges the FCC to update the Commission's Part 22 rules through an additional notice of proposed rulemaking. NPPD believes the following changes in the Part 22 rules would allow for more efficient and beneficial use of Part 22 frequencies.

- a. The FCC should confirm that Part 22 frequencies can be used for trunked and conventional two-way radio systems as well as for data and telemetry. Telemetry is particularly important to utilities who need to remotely monitor and control their infrastructure to provide safe, reliable, and low cost services to the public. While telemetry is secondary to voice on almost all Part 90 channels, telemetry is well suited for the exclusive use privileges given to Part 22 licensees.
- b. Part 22 build-out requirements for private internal use should be based on meeting a valid communication need of the licensee. The valid communication need for private internal use two-way radio is usually not be based on covering a certain percentage of the general population. As an example, Utility "A" serves a metropolitan area, while Utility "B" serves the surrounding rural area. Utility "B" has a valid communication requirement for reliable two-way radio coverage in its rural service area. Under the current Part 22 framework, Utility "B" may need to construct its base station in the metropolitan area served by Utility "A" to meet a population based build-out requirement even though their valid communication need is for coverage in the surrounding rural areas. This would result in marginal coverage being provided in the Utility "B" service area.

Another problematic scenario can occur when a Part 22 licensee needs reliable communications along the border of an Economic Area ("EA") or Major Economic Area ("MEA"). Since the interference contour extends into the adjacent geographic area, the Part 22 licensee must obtain the adjacent license or the consent of the adjacent licensee. Since the base station coverage is divided between the two geographic areas, it is likely that the population based requirement cannot be met in the geographic area where the base station is located. In addition, the current Part 22 rules also require a base station to be located in the adjacent area to meet the build-out requirements for the adjacent area. The base station located in the adjacent area might not be needed by the licensee and if it were constructed could cause interference to the base station providing coverage along the EA/MEA border.

- c. Two-way radio base, mobile, and mobile talk-around operations should be permitted on the Part 22.531 one-way paging channels for private internal use purposes.
- d. Mobile-to-mobile (talk-around) should be permitted on the Part 22 "Base" frequencies.
- e. The FCC should consider eliminating the three year build-out requirement and also schedule Part 22 auctions more regularly. Since the Part 22 auctions do not occur often or on a regular schedule, an incentive is created for auction participants to obtain licenses they may not have the capacity to build out within three years. Having the build-out requirement set at five years would allow time to budget, engineer, and deploy equipment using the frequencies won in the auction.
- f. The mobile transmitter output power limitation should be raised from 60 Watts to 100 Watts. This would be more consistent with Part 90 rules and standard equipment used in two-way radio systems.
- g. Equipment which has been authorized for use on 12.5 kHz channels under Part 90 rules should automatically be authorized for private internal use on Part 22 center frequencies.
- h. The FCC should define offset frequencies to support 6.25 kHz narrowband equipment on each Part 22 channel and clarify that 12.5 kHz TDMA technology could be used on each Part 22 center frequency.

Respectfully Submitted,
Nebraska Public Power District – Telecom Department
PO Box 608
York, NE 68467
402-362-6681